



Entered on Docket
January 30, 2009

Ri-ji

**Hon. Linda B. Riegle
United States Bankruptcy Judge**

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UNITED STATES BANKRUPTCY COURT

DISTRICT OF NEVADA

In re:

USA Commercial Mortgage Company,
USA Capital Realty Advisors, LLC,¹
USA Capital Diversified Trust Deed Fund, L.
USA Capital First Trust Deed Fund, LLC,²
USA Securities, LLC,³

Debtors.

Affects:

- All Debtors
- USA Commercial Mortgage Company
- USA Capital Realty Advisors, LLC
- USA Capital Diversified Trust Deed Fund, LLC
- USA Capital First Trust Deed Fund, LLC
- USA Securities, LLC

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR¹
Case No. BK-S-06-10727-LBR²
Case No. BK-S-06-10728-LBR²
Case No. BK-S-06-10729-LBR³

CHAPTER 11

Jointly Administered Under Case No. BK-S-06-10725 LBR

**ORDER SUSTAINING THIRD
OMNIBUS OBJECTION OF USACM
TRUST TO PROOFS OF CLAIM
BASED, IN WHOLE OR IN PART,
UPON INVESTMENT IN THE
PRESERVE AT GALLERIA, LLC
LOAN**

Hearing Date: January 22, 2009
Hearing Time: 9:30 a.m.

¹ This bankruptcy was closed on September 23, 2008.

² This bankruptcy case was closed on October 12, 2007.

³ This bankruptcy case was closed on December 26, 2007.

1 Pending before the Court is the USACM Liquidating Trust's Third Omnibus
2 Objection of USACM Trust to Proofs of Claim Based, in Whole or in Part, Upon
3 Investment in the Preserve At Galleria, LLC Loan (the "Objection") [DE 6641]. Adequate
4 notice of the Objection was given. The Court heard the Objection on January 22, 2009.
5 No responses were filed to the Objection and no opposition was raised at the hearing.
6 Good cause appearing,

7 IT IS ORDERED:

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- 9 • Sustaining the Objection;
- 10 • Disallowing the Proofs of Claim listed on Exhibit A attached to the extent they
11 are based upon an investment in the Preserve At Galleria, LLC Loan. The
12 Proofs of Claim listed in Exhibit A are not affected by this order to the extent
13 they are based upon an investment in a loan(s) other than the Preserve At
14 Galleria, LLC Loan; and
- 15 • Reserving the right of any party in interest, including the USACM Trust, to
further object to the Proofs of Claim listed on Exhibit A attached.

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17 PREPARED AND SUBMITTED:

18 **LEWIS AND ROCA LLP**

19 By: /s/ John Hinderaker (#18024)
20 Rob Charles
John Hinderaker
21 *Attorneys for USACM Liquidating Trust*

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1 CERTIFICATION OF COUNSEL PURSUANT TO LOCAL RULE 9021

2 In accordance with Local Rule 9021, the undersigned certifies:

3 The Court waived the requirements of approval under LR 9021.

4 No parties appeared or filed written objections, and there is no trustee appointed
5 in the case.

6 No opposition was filed to the motion and no other party or counsel appeared at
7 the hearing.

8 I have delivered a copy of this proposed order to all attorneys and unrepresented
9 parties who have appeared at the hearing, and any trustee appointed in the case,
10 and each has approved or disapproved the order, or failed to respond, as
11 indicated below:

12 **LEWIS AND ROCA LLP**

13 By: /s/ John Hinderaker (#18024)

14 Rob Charles
John Hinderaker
15 *Attorneys for USACM Liquidating Trust*

PRESERVE AT GALLERIA LOAN
THIRD OMNIBUS OBJECTION

EXHIBIT A
Multiple Loan Claims

Claim	Name	Address	Total Claim Amount	Approximate Amount Subject to Objection Because it Relates to an Investment In the Preserve at Galleria Loan
10725-02071	Robert R. Rodriguez	5748 Newberry Point Drive Flowery Branch, GA 30542	\$329,977.39	\$25,000.00
10725-01214	Phillip Rulon	2800A Wrondel Way Reno, NV 89502	\$503,479.62	\$82,332.41
10725-00893	Joyce E. Smith Trust Dated 11/3/99	c/o Joyce E. Smith Trustee 3080 Red Springs Drive Las Vegas, NV 89135-1548	\$853,678.82	\$80,478.95
10725-02428	Tiki Investment Enterprises LP	2578 Highmore Avenue Henderson, NV 89052	\$1,200,128.00	\$75,000.00
10725-02416	Gerry Topp	10745 West River Street Truckee, CA 96161	\$260,703.10	\$25,000.00
10725-02299	Zawacki A. California LLC	P.O. Box 5156 Bear Valley, CA 95223-5156	\$1,500,000.00	\$50,000.00